

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

UNITED STATES OF AMERICA,

Respondent,

vs.

CRIMINAL ACTION NO. 3:98-00047-01
(CIVIL ACTION NO. 3:05-0124)

KELVIN ANDRE SPOTTS, a/k/a “Shorty,”

Movant.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Kelvin Andre Spotts’ motion to reconsider the Findings and Recommendation of the Magistrate Judge issued on August 3, 2005. [Docket no. 877]. Movant also has filed three “Memorandum[s] in Support of Motion to Add or Amend Findings of Fact, under 28 U.S.C. 2255(6)(3) [sic],” [docket nos. 878, 879, & 882], and a “Memorandum in Support of Motion to Alter or Amend the Judgment.” [Docket no. 883]. In the Findings and Recommendation, the Magistrate Judge recommended that the Court deny Movant’s second motion pursuant to 28 U.S.C. § 2255 because Movant failed to get authorization to file a second motion pursuant to 28 U.S.C. § 2244. The Court has reviewed Movant’s pleadings and finds no basis for this Court to exercise jurisdiction on his successive § 2255 motion. Accordingly, the Court **ACCEPTS** and **INCORPORATES** the Proposed Findings and Recommendations of the Magistrate Judge and **DENIES** Movant’s objections.

The Court **DIRECTS** the Clerk to send a copy of this Order to Magistrate Judge Taylor, counsel of record, and any unrepresented parties.

ENTER: August 30, 2005

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE